

**TOWN OF PROVINCETOWN**  
**ZONING BOARD OF APPEALS**

**MEETING MINUTES OF**  
**July 2, 2009**

**MEETING HELD IN THE GRACE GOUVEIA BUILDING**

**Members Present:** Elisabeth Verde, Amy Germain and Anne Howard.

**Members Absent:** Patrick Eleey (excused) and Robert Littlefield (excused).

**Others Present:** Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

**WORK SESSION**

Vice Chair Anne Howard called the Work Session to order at 6:45 P.M.

**PENDING DECISIONS:**

- 2009-24**      **32 Bradford Street (Residential 3 Zone), Robert Valois, on behalf of Enco Realty, Inc. –**  
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. The Board has received a revised site plan with an architect's stamp as requested of the applicant. Amy Germain read the decision. *Anne Howard moved to approve the language as written, Elisabeth Verde seconded and it was so voted, 3-0.*
- 2009-25**      **32 Bradford Street (Residential 3 Zone), Robert Valois, on behalf of Enco Realty, Inc. –**  
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. The Board has received a revised site plan with an architect's stamp as requested of the applicant. Amy Germain read the decision. *Anne Howard moved to approve the language as written, Elisabeth Verde seconded and it was so voted, 3-0.*
- 2009-28**      **284 Commercial Street (Town Commercial Center), Edward Fallas –**  
Patrick Eleey, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Amy Germain read the decision. *Elisabeth Verde moved to approve the language as written, Anne Howard seconded and it was so voted, 3-0.*

- 2009-29**      **329 Commercial Street (Town Commercial Center), Edward Fallas –**  
Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. Amy Germain read the decision. *Elisabeth Verde moved to approve the language as written, Anne Howard seconded and it was so voted, 3-0.*
- 2009-33**      **1 MacMillan Pier (Town Commercial Center), Provincetown Public Pier Corp. –**  
The applicant seeks a Variance under Article 3, Section 3200 Sign Regulations of the Zoning By-Laws, concerning Directory Signs. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. *Anne Howard moved to postpone the reading of this decision until the July 16, 2009 hearing, Elisabeth Verde seconded and it was so voted, 3-0.*
- 2009-34**      **315 Commercial Street (Town Commercial Center), Linda and Nelson Vital –**  
The applicants seek a Special Permit under Article 2, Section 2460 of the Zoning By-Laws for outdoor seating to consist of 6 tables with 12 chairs. This property has Economic Development approval for 40 seats of which 28 seats currently exist inside. The request is for the placement of the remaining 12 seats outside the property. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. *Anne Howard moved to postpone the reading of this decision until the July 16, 2009 hearing, Elisabeth Verde seconded and it was so voted, 3-0.*
- 2009-30**      **50 Bradford Street (General Commercial Zone), Evangelos Lambrou –**  
The applicant seeks a Special Permit under Article 2, Section 2460 of the Zoning By-Laws to request an increase in seating (13 indoor seats existing and 90 outdoor seats proposed) pending the approval of an Economic Development Permit for additional seating. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. *Anne Howard moved to postpone the reading of this decision until the July 16, 2009 hearing, Elisabeth Verde seconded and it was so voted, 3-0.*

#### **CONTINUED CASES:**

- 2009-35**      **636 Commercial Street (Residential 2 Zone), Paul Colburn on behalf of Charles Merrill –**  
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a bedroom addition up and along a pre-existing, non-conforming dimension using the existing deck footprint. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. This case is continued until the July 16, 2009 hearing.
- 2009-36**      **963 Commercial Street (Residential 1 Zone), Attorney Lester J. Murphy on behalf of Jerome A. Goedken and Nancy K. Goedken –**  
The applicants seek a Special Permit under Article 3, Section 3110 of the Zoning By-Laws for the alteration of a pre-existing, non-conforming rear setback line for the construction of a second story and installation of a ground floor deck. Patrick Eeley, Elisabeth Verde, Robert Littlefield, Amy Germain and Anne Howard sat on the case. This case is continued until the July 16, 2009 hearing.

**MINUTES: May 21, 2009 – Amy Germain moved to approve the language as amended, Anne Howard seconded and it was so voted, 3-0.**

**June 4, 2009 – Elisabeth Verde moved to approve the language as amended, Amy Germain seconded and it was so voted, 3-0.**

**June 11, 2009 – Elisabeth Verde moved to approve the language as written, Amy Germain seconded and it was so voted, 3-0.**

Vice Chair Anne Howard adjourned the Work Session at 7:10 P.M.

**PUBLIC HEARING**

Vice Chair Anne Howard called the Public Hearing to order at 7:10 P.M. There were three members of the Zoning Board of Appeals present and two absent.

- 2009-38**      **18 Franklin Street (*Residential 3 Zone*), Thadd D. Papetsas of Papetsas Building 7 Design Company on behalf of Richard Motta and Gary Bolan –**  
The applicant seeks a Special Permit under Article 3, Section 3110 of the Zoning By-Laws to construct a ground level deck along a pre-existing, non-conforming rear and side setback.
- 2009-39**      **22 Brewster Street (*Residential 3 Zone*), Louis Lima and Jerome Crepeau –**  
The applicants seek a Special Permit under Article 3, Section 3440 of the Zoning By-Laws for a deviation in building scale for the construction of a screened-in porch.
- 2009-40**      **74 Shank Painter Road (*General Commercial Zone*), Ewa Nogiec of Gallery Ehva –**  
The applicant seeks a Special Permit under Article 3, Section 3420 of the Zoning By-Laws for the outside display of art sculptures.

*Amy Germain moved to postpone Cases #2009-38, 2009-39 and 2009-40 until the July 16, 2009 hearing, Elisabeth Verde seconded and it was so voted, 3-0.*

**NEXT MEETING:** The next meeting will take place on July 16, 2009. It will consist of a Work Session at 6:45 P.M. followed by a Public Hearing at 7:00 P.M.

**ADJOURNMENT:** *Amy Germain moved to adjourn at 7:15P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Zoning Board of Appeals at their meeting on July 16, 2009.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2009

Patrick Eleey, Chair